

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAIME A. DAVIDSON,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Respondent.

5:00-CV-869
92-CR-035

APPEARANCES:

OF COUNSEL:

JAIME A. DAVIDSON

Petitioner, *pro se*

37593-053

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JOHN G. DUNCAN

Assistant U.S. Attorney

Neal P. McCurn, Senior District Judge

ORDER

On June 25, 2008, this court issued a Memorandum, Decision and Order whereby, on remand from the Court of Appeals for the Second Circuit, it reaffirmed its October 17, 2003 Memorandum, Decision and Order denying several motions by petitioner Jaime A. Davidson ("Petitioner") as second or

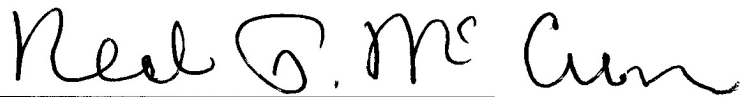
successive. A copy of this court's June 25, 2008 MDO was sent to Petitioner by regular mail at the address of record. Further, although Petitioner's appellate counsel had not appeared in this court, a courtesy copy of this court's MDO was sent to her by regular mail. Petitioner's mail was subsequently returned as undeliverable.

Presently before the court is Petitioner's September 13, 2009 application for a certificate of appealability. See Dkt. No. 168. Petitioner's application for a certificate of appealability is hereby DENIED as he has not made a "substantial showing of the denial of a constitutional right" pursuant to 28 U.S.C. § 2253(c)(2).

The Clerk of the Court is directed to serve a copy of this Order by regular mail to petitioner, Jaime A. Davidson, and is directed to mail a courtesy copy to Petitioner's appellate counsel, Bettina Schein, at 260 Madison Avenue, New York, New York, 10016.

IT IS SO ORDERED.

DATED: September 29, 2009
Syracuse, New York

A handwritten signature in black ink, reading "Neal P. McCurn". The signature is written in a cursive, flowing style. The first name "Neal" is written in a larger, more prominent script, followed by "P." and "McCurn".

Neal P. McCurn
Senior U.S. District Judge